



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

Clifton Phillips)
Plaintiff(s))
vs.)
David Proud, Paul Rigby,)
Syracuse Police Dept.,)
N.Y.S. Division of Parole.)
Defendant(s)

INMATE
CIVIL RIGHTS
COMPLAINT PURSUANT
PURSUANT TO
42 U.S.C. § 1983

Case No. 9: CV

5:16-cv-1140

Plaintiff(s) demand(s) a trial by: ☒ JURY ☐ COURT (Select only one).

Plaintiff(s) in the above-captioned action, allege(s) as follows:

JURISDICTION

1. This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4) and 2201.

PARTIES

2. Plaintiff: Clifton Phillips
Address: Elmira Correctional Facility
P.O. Box 500
Elmira, New York 14902-0500

Additional Plaintiffs may be added on a separate sheet of paper.

3. a. Defendant: Syracuse Police Department
Official Position: _____
Address: 511 S. State St
Syracuse New York 13202

b. Defendant: New York State
Official Position: Division of Parole
Address: 333 E. Washington St.
Syracuse New York 13202

c. Defendant: David Proud
Official Position: Syracuse Police Officer
Address: 511 S. State St.
Syracuse New York 13202

Additional Defendants may be added on a separate sheet of paper.

4. PLACE OF PRESENT CONFINEMENT

a. Is there a prisoner grievance procedure at this facility?



Yes



No

b. If your answer to 4a is YES, did you present the facts relating to your complaint in this grievance program?



Yes



No

If your answer to 4b is YES,

(i) What steps did you take? Not Applicable

(ii) What was the final result of your grievance? Not Applicable

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D. Defendant: Paul Rigby

Official Position: Senior Parole officer

Address: 333 E. Washington St. Syracuse N.Y. 13202

E. Defendant: G.I.V.E. Operation Impact

Official Position: Guns Involved Violence Elimination

Address: unknown.

F. Defendant: Micheal Ferrante

Official Position: ~~EX~~ Senior Assistant District Attorney

Address unknown.

G. Defendant: Paul Casler

Official Position Parole officer

Address: 333 E. Washington St. Syracuse N.Y.
13202

H. Defendant: City of Syracuse

Official Position:

Address: City Hall

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I. Defendant: State of New York

Official Position:

Address: Albany.

J. Defendant: William Summers

Official Position: Police officer

Address: 511 S. State St. Syracuse N.Y. 13202

K. Defendant: Scott Fura

Official Position: Police officer

Address: 511 S. State St. Syracuse N.Y. 13202

L. Defendant: David Metz

Official Position: Police officer

Address: 511 S. State St. Syracuse N.Y. 13202

M. Defendant: U.S. Marshall Service

Official Position: Federal Agency

Address: Unknown

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N. Defendant: Jason Eiffe

Official Position: Police Officer

Address: 511 S. State St. Syracuse NY. 13202

O. Defendant: Gang Violence Task Force

Official Position: Police Agency

Address: unknown

P. Defendant: Jeffrey Ballagh

Official Position: Police Officer

Address: 511 S. State St. Syracuse NY. 13202

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If your answer to 4b is NO - why did you choose to not present the facts relating to your complaint in the prison's grievance program? _____

Not Applicable

- c. If there is no grievance procedure in your institution, did you complain to prison authorities about the facts alleged in your complaint?

☐ Yes

☒ No

If your answer to 4c is YES,

- (i) What steps did you take? _____

Not Applicable

- (ii) What was the final result regarding your complaint? _____

Not Applicable

If your answer to 4c is NO - why did you choose to not complain about the facts relating to your complaint in such prison? _____

Not Applicable

5. PREVIOUS LAWSUITS

- a. Have you filed other lawsuits in state or federal court relating to your imprisonment?

☒ Yes

☐ No

- b. If your answer to 5a is YES you must describe any and all lawsuits, currently pending or closed, in the space provided below.

For EACH lawsuit, provide the following information:

- i. Parties to previous lawsuit:

Plaintiff(s): Clifton Phillips

Defendant(s): State of New York, Department of Correction. Plaintiff has forgot the other defendants. Maybe upstate Correctional Facility

ii. Court (if federal court, name District; if state court, name County):

United States District Court N.D.N.Y.

iii. Docket number: unknown.

iv. Name of Judge to whom case was assigned: Hurd, I think

v. Disposition (dismissed? on appeal? currently pending?): Dismissed

vi. Approximate date of filing prior lawsuit: 2006

vii. Approximate date of disposition: 2007

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FACTS

Set forth the facts of your case which substantiate your claim of violation of your civil and/or Constitutional rights. List the events in the order they happened, naming defendants involved, dates and places.

Note: You must include allegations of wrongful conduct as to EACH and EVERY defendant in your complaint. (You may use additional sheets as necessary).

On 7/21/15, I was awoken at approximately 8:25 A.m. by my then 17 year old son. He said "Dad you got to take me to School now, I'm late" I jump up threw on my clothes from the Day before and rushed out the house to get my son to Summer School. We jumped in the family van and he immediately turned on the music as we was traveling up Cor Coran hill on Glenwood Ave. I noticed a unmarked police Car was following

us with its Siren on. I immediately pulled over two police officer's under cover police officer's, exit their vehicle and approached our vehicle. They order us out of our vehicle. They Searched us, and took our phone's and Money. I asked them why we was being Stopped. They said it was a Parole Operation. I Later learned that these officer's were Police officer's Scott Fura and Jason Eiffe. They had also handcuffed me. And held me and my son until my Parole officer Paul Casler and P.O. Golembeski arrived at that point they let my son go.

(Parole has no authority according to the Parole Policy and Procedure Manual to have Syracuse Police Stake out my house, pull over my vehicle, detain me and my son. Handcuff and Search me).

Police officer's Fura and eiffe told me that it was a parole operation. But parole in their Case Summary said they were doing "Home inspections of designated parolees as part of G.I.V.E. detail." See Exhibit one (1). But P.O. Casler said in his Statement after my arrest on 7/2/15 that "Parolee Phillips, Clifton was pulled over and detained by S.P.D. as part of a

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G.I.V.E. detail" See Exhibit two (2). Then Police officer David Proud said he "assisted other members of Law Enforcement in a operation" "G.I.V.E." Parole detail" Notice how he put emphasis on "GIVE" Exhibit three (3)

There is no such thing as Home inspections of designated parolees as part of G.I.V.E. detail. The Parole Policy and Procedure manual do not authorize that. G.I.V.E. has no authority to do home inspections of designated parolees. And parole do not have the authority to do home inspections as part of a G.I.V.E. detail. When I signed up for parole no one ever told me that my house could be inspected as part of G.I.V.E. detail. What law or by Law gives Parole the authority to do home inspections of designated parolees as part of G.I.V.E. detail? Then at my Parole preliminary hearing P.O. Casler said it was a routine home inspection. (I don't have those transcripts yet).

Once parole officer Casler and Golembeski respond to the traffic stop my son was allowed to leave, and I was transported back to my house in handcuffs. The family van was detained and driven back to my house also. My son could

of took the van. Parole has no authority to detain the van. Once we got back to my house Parole took my keys and entered my house with even asking for my permission, which the Parole Policy and Procedure Manual says they have to do and "Police officer Fura lied in his Statement and Search Warrant application and said I gave them permission to enter my house." But P.O. Casler said he took my keys out of my pocket and that I only showed him which key was the house key. See exhibit two(2). Permission to enter my house was never asked for or given.

When we entered my house the parole and police immediately handcuffed my wife who was sitting on the living room couch. Then they went upstairs and woke up my son and girlfriend and immediately handcuffed them and brought them downstairs.

When I left the house that morning around 8:25 my daughter and her boyfriend left the house about five minutes after I did. (They were both 23 years old at the time). They left in my daughter's truck. He dropped my daughter off at her job. Then he went to his prog-

am at 410 Crouse and at that time at approximately 8:50 am he was stopped hand cuffed and brought back to my house. All of this was done on a alleged parole operation. Police officer Scott Fura said in his Search warrant Application that a amount of white powder substance, consistent with that of Cocaine was found in the vehicle, my daughter's vehicle. Why put this in the Search warrant application. Wasn't the Substance tested and proven not to be a drug. This is only the beginning of the lies and de ciet that was used in the Search warrant Application. See Exhibit Four (4) third paragraph.

After we was all hand cuffed and sitting in my living room Me. My wife My Son, his girlfriend Queenasia Frank and My daughter boyfriend Johnathan Cooper, who was pulled over at 8:50, I was not even brought back to my house until approximately 9:15 See Exhibit two (2). He was stopped before any drugs or wrong doings were discovered. He never got a ticket for uninsured vehicle. Nor was he ever charged with the bogus Cocaine that was used to help get the Search warrant. Even the officer who searched my daughter's

Vehicle never mentioned this white powder that appeared to be Cocaine.

The parole officers and police officer's Fura and Liffe went upstairs and searched Scott Fura said he saw what appeared to be Cocaine residue on my dresser. And he claim he saw marijuana, Herion, and Herion baggies in plain view in my sons bedroom. It was all lies the Grand jury did not indict me for having Cocaine residue on my dresser. I was no longer charged with the crime their probable cause to get the search warrant was based on. The same thing with the bogus claim that cocaine residue was seen in my daughters truck. No one was ever charged with that but it was used in the search warrant Application.

Even with the (50) bags of herion that the police said they saw in plain view, one report said that the herion was on my son Bedpost, the other one said it was on his floor. In the A.D.A. Bill of particulars it says the herion was in my sons Safe. See Exhibits (5) and Exhibit (6) I will get the document that said the herion was found on my sons bedpost.

After the Search warrant was obtained, about forty police came into my house, some went upstairs about 15 to 20 went into my basement. These officers were a mixture of Syracuse Police Special investigation Division (Narcotics) The U.S. Marshalls, Gang violence task force, G.I.V.E., The Sheriff Dept. and Parole.

First of all parole had no business in my kids room, they was in their room sleeping. Where do parole get the authority to wake them up, cuff them and bring them downstairs and search their rooms. They had us all handcuffed for about 6 hours in my living room while we waited on the warrant.

About 20 officers went into my basement. Searched for over an hour, they came up and said the basement was clear.

Then Proud came downstairs and said did anyone search the basement. A few of them said the basement is clear. Then Proud and a couple of other officers went into my basement and miraculously find seven grams of cocaine and a bottle of something called Inositol in a obvious place that

all those professional officers would not have missed see Exhibit Seven (7)

Proud and Summer's planted the drugs and inositol in our basement. No one in my family has never heard of inositol. Plus they originally said that marijuana and marijuana baggies was also found with the seven Grams and Inositol. But they left that out in subsequent reports. I will get the report that said it was also marijuana and baggies found in my basement. There is no way all those professional officers would have missed the Cocaine, The inositol, the marijuana and baggies in the place they say it was. All of that stuff was planted just like the Cocaine residue on my dresser was fabricated, manufactured. It went from residue to chunks see Exhibit eight (8), why we did not get charged with those chunks?

Just like the alleged substance that appeared to be Cocaine that was allegedly found in my daughter truck that no one was charged with. That they knew it was not Cocaine but they used it to help get the search warrant in the search warrant applicati-

on.

Proud been Crooked. He set me up in 1993 said he seen me throw some drugs when it was another guys drugs. On that same case he said that a informer had came into a Bar, and bought drugs from me. They rush me in the bar didn't find no drugs on me, and gave me some drugs that was found in the bar. The case in which I was sentence to seven years after trial in which Proud testified and Micheal Ferrante was the prosecutor got dismissed, there was never an informant and the informant did not give them no drugs that he allegedly bought from me. They made all that up.

And that is part of the reason that I am suing the City of Syracuse and the Syracuse Police Dept. they been knew about Proud. And he is their employee He's had numerous complaints about him. And they continue to let him run rough shod over people's Constitutional and Civil rights. And 99% of the time its in the minority community that he do all his illegal stuff.

the Same thing is true with New York State Division of Parole and New York State. Parole officer Rigby routinely abuse his authority. Exceed his authority let the Police, G.I.V.E. and Gang Violence Task Force and the US Marshalls, F.B.I. and basically any other agency to violate his parolee's Constitutional Rights and use him as a Conduit to search any parolee's house they are investigating.

Just like in my Case, This was no parole operation. This was a Gun operation. Its obvious, why would G.I.V.E., The US Marshall and the Gang Violence Task Force be wasting their time doing routine home inspection. Plus they all say it was a Multi-Agency impact Detail or a G.I.V.E. detail. This whole investigation began about three days before the police Raided my house. My Son Clifton Phillips III was driving the Family Van. He was pulled over and he had Marijuana and money on him the police told him that they would let him keep his money and drugs if he gave them a gun. My Son went

and bought a gun and gave it to the police and my son never even told me about it. (I did not find out that he had gave the police a gun until we was in jail). My son knows the Police officer's he gave the gun to. He saw them in the County Court Hallway with Proud on the day we was all arraigned on the Superseding indictment. It was all illegal. That is why the police and parole and everyone is never mentioning that a few days before the raid my son gave them a gun. Because once he gave them the gun, that situation was suppose to be over, But when Proud heard the name Clifto Phillips he knew it was my son and then he and Micheal Ferrante targeting me. Went to parole and Rigby and Casler let them raid my house. Then Casler came to my parole preliminary hearing and said it was a routine home inspection, and did not even mention G.I.V.E. detail like he did in his Parole Case Summary.

Its all illegal. Parole cannot assist another agency investigating another matter and act as a Conduit to allow that agency to Search a parolee See

People v. Huntley 43 NY2d 175, People v. Marcial 971 NYS2d 328, and People v. Candelaria 406 NYS2d 783

The Gang Violence Task Force and the U.S. Marshalls and G.I.V.E. knows that what they was doing was illegal. They know or should have known that they did not have enough evidence to search my house, or target me based on something my son did. They also knew or should have known that they could not use parole as a Conduit to do (search my house) what they did not have the probable cause to do on their own. And they knew it was not a routine parole home inspection. They intentionally violated my fourth Amendment Constitutional Rights. And was a part of a Crooked Police Crew and A.D.A. that planted drugs and manufactured evidence that had my wife hand cuffed for six hours and embarrassed and humiliated her. They lied and fabricated evidence in the Search Warrant Application and manufactured evidence in the Search warrant application.

I believe that Proud went to Michael Ferrante and they put the whole op.

eration together and that is part of the reason why Micheal Ferrante was fired. Along with the fact that he bungled the whole case and then had to let the Speedy trial clock run out on purpose on the case. Because they wanted to avoid all these facts that I am now bring out. Coming out at a Suppression hearing. They intentionally let the Speedy trial clock run out. And that is why I am suing Micheal Ferrante as a private Citizen and not in his Capacity as a EX-Assistant District Attorney.

Police officer David Metz fabricated testimony when he said multiple boxes of clear white colored Glassine envelopes were found in my room. And no where in exhibit eight (8) do it say boxes, multiple boxes of white colored Glassine envelopes were found in my room. And Metz also attempts to make the raid on my house seem like it was a routine home inspection by parole But his actions and his colleagues action show that it obviously was not a routine parole home inspection. He fabricated evidence and intentionally violated my 4th amendment.

Constitutional Rights See Exhibit Nine
(9)

Police officer Jeffrey Ballagh along with Scott Fura and Jason Eiffe planted or fabricated the Cocaine residue that was allegedly found on my dresser, And intentionally violated my Constitutional and Civil rights Cocaine residue do not come in chunks, Chunks is Straight Cocaine and if only a portion of it was tested where is the remaining portion and why there was not enough evidence for the grand jury to indict me for this integral part of the prosecutions probable Cause?

Police officer William Summer along with officer Proud and others planted drugs in my basement and intentionally violated my Constitutional rights, Scott Fura Also lied and manufactured evidence when he said Multiple boxes of white Glassine envelope were found in my room. See Exhibit (10) ten. But nowhere in the peoples Bill of particulars do it mention multiple boxes of white glassine envelopes being found in my bedroom See Exhibit six (6) Nor was Multiple boxes of Glassine

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envelopes being found in my room mentioned in Exhibit Nine(9). Plus my family and I knows, no cocaine residue or Glassine envelopes were located in my room.

So this Lawsuit is about the police intentionally violating my Constitutional Rights and Civil rights. Lying in Search Warrant applications and in statements. Planting evidence and manufacturing evidence, And abusing their positions as police officers and parole officers harass and intimidate and abuse people. Circumvent the laws they are suppose to enforce, and in fact breaking the Law. Lying and planting and manufacturing evidence to Nullify Constitutional objects. Its also about illegal arrest. Malicious prosecution, False arrest on a lack of probable cause. And prosecutorial Misconduct, where the original prosecutor abused his position and authority to manipulate the system and conspire to violate my Constitutional rights. This Law suit is also about Corruption

See Exhibit Eleven(11) it will show that officer Summers also allegedly found marijuana

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and marijuana baggies. But Scott Fura never mentions the Marijuana and baggies no more. See Exhibit (8) Eight. Because they know that its even more unbelievable that all those professional officers who originally searched the basement, who came upstairs and said the basement was clear missed all those drugs and paraphernalia in the obvious place it was all allegedly found. This is Compelling evidence that those drugs were planted in my basement. This is police corruption.

And parole Corruption. Parole and the police will have you believe that they came down on me and my family with all this force, The Special investigation Division (Narcotics), G.I.V.E., Gang violence Task Force, The U.S. Marshalls office, The Sheriff Dept. and parole because I have a couple dirty urines for Cocaine and I was on parole for Cocaine which charge happened eighteen (18) years ago. See Exhibit four (4) first paragraph. And parole officer Casler said this was a routine home inspection at my parole preliminary hearing, I don't think Gang violence Task force (Especially when no one is in a gang) The U.S. Marshalls will be wasting their time going on routine home inspection.

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And to further show their maliciousness and Corruption and utter disregard for the Law. And their spitefulness toward me. Clifton Phillips Sr. Why did they arrest my daughter and her boyfriend. They had left the house already. No drugs were found in their room. And those drugs could have been placed in the basement after they left the house. Although we know those drugs were planted. For argument sake those drugs could of been placed in the basement after they left the house. Who gave parole the authority to Stake them out have S.I.D. follow them and bring the boyfriend back to the house. The drugs in my sons room was obviously just his and he told the police all the drugs were his basisly to keep them from arresting his Mom and girlfriend.

And they arrested my daughter just to be spiteful and to hurt me. They arrested my daughter only after she insisted on saying bye to my wife and I as we was being led to and put in the police transport van. The officer said okay you get in to. Then they forced her into the transport van. Broke my wife my son and my hearts and probably her boyfriend

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to. How can they arrest her for drugs that were found almost a hour after she had already left the house. The same with her boyfriend. I was done maliciously out of spite to hurt and intimidate. It was illegal and it further shows the police disregard for the law and what's right. And it violated their Constitutional Rights as a American Citizen. And I hope they sue also. My daughter is a Medical Student at upstate medical university. she had to miss starting medical school for one year behind those bogus charges.

This shows a Culture of this type of activity within Div. of Parole and the Syracuse Police Dept. And the District Attorneys Narcotics Division, where they circumvent the Law by violating the law, and violating people's Constitutional rights on a daily basis.

I also want to subpoena all the officers, agents and parole officer's who initially searched my basement.

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7.

CAUSES OF ACTION

Note: You must clearly state each cause of action you assert in this lawsuit.

FIRST CAUSE OF ACTION

Violation of Plaintiffs fourth Amendment Constitutional Right under the United States Constitution, when the Defendants intentionally violated Plaintiffs rights to be free from unreasonable stops, searches and seizures.

SECOND CAUSE OF ACTION

Violation of Plaintiffs 5th and 14th Amendment Constitutional Rights under the U.S. Constitution when the defendants intentionally planted and manufactured evidence to intentionally violate Plaintiffs Due Process and equal protection of the Law Rights.

THIRD CAUSE OF ACTION

Violation of Plaintiff 6th Amendment Constitutional Rights under the U.S. Constitution, when the defendants intentionally prosecuted the plaintiff for crimes he did not commit, where the defendants maliciously prosecuted the plaintiff, manipulated the Law to pressure and intimidate the plaintiff.

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8. PRAYER FOR RELIEF

WHEREFORE, plaintiff(s) request(s) that this Court grant the following relief:

Ten million Dollars (10,000,000)
in damages

I declare under penalty of perjury that the foregoing is true and correct.

DATED: 9/9/16

Clifton Phillips
Signature of Plaintiff(s)
(all Plaintiffs must sign)

02/2010